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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,658	05/25/2000	April A. Owen	BS99-199	6903

7590 06/17/2005

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EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,658

Applicant(s)

OWEN ET AL.

Examiner

Michael C. Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,9-11,23 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6,9-11,23 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 April 2005 has been entered.

2. The following is a First Office Action in response to the request for continued examination filed 14 April 2005. Applicant canceled claim 25 and amended claims 27, 29 and 30. Claims 2-6, 9-11, 23 and 27-32 are pending in this application and have been examined on the merits as discussed below.

Response to Arguments

3. Applicant's arguments filed 14 April 2005 have been fully considered but they are not persuasive. The applicant asserts that the amended claims recite specific features of the data that is stored, such as quality and classification of the customer contact, that is not taught by the combined references of Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) and Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]).

In response and as indicated below, the stored data is considered non functional descriptive material, therefore carries no patentable weight. The nonfunctional descriptive material does not exhibit any functional interrelationship with the way in which computing processes are performed, and is merely stored so as to be read or outputted by a computer without creating any functional interrelationship. Therefore, the details of the type of data stored, such as quality and classification of the customer contact, are moot since the data is not used in any functional way either external or internal to the computer. Please see the 35 USC § 101 and 35 USC § 103 rejections below.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 512. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: On page 16, lines 15-16, delete "and exit 52 (to close the screen and return to the previous screen)", and insert -- and exit **512** (to close the screen and return to the previous screen) --. Please see the drawing objection above.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 2-6, 9-11, 23 and 27-32** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature, which constitute "descriptive material." Abstract ideas, or the mere manipulation of abstract ideas are not patentable. "Nonfunctional descriptive material" includes but is not limited to music,

literary works and a compilation or mere arrangement of data. Nonfunctional descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter. Where certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer. To be statutory, a claimed computer-related process must either: (a) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (b) be limited to a practical application within the technological arts. MPEP § 2106 IV B. 1.

In the present case, **Claims 27, 29 and 30** only recite an abstract idea. As to **claim 27**, the recited process of receiving a first item of contact information from one of a plurality of sales representatives; storing the first item of contact information in a database and associating the contact information with a particular entity; receiving and storing information in the database regarding the quality of one or more contacts with the particular entity, the quality of one or more contacts being indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives, the set of guidelines including at least: an indication of whether the contact with the

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particular entity is for post-sale maintenance and an indication for a contact that furthered future sales opportunities that could lead to additional business; receiving and storing information in the database regarding the classification of the same one or more contacts wherein information regarding quality was also received about the particular entity, the class of one or more contacts being indicated from a set of specific customer classes including at least: a reactive contact, a contact requiring a proactive sales effort and a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company; receiving billing information associated with the particular entity in the database for review by sales representatives; receiving a second item of contact information from one of a plurality of sales representatives; and the second item of contact information received after the first item of contact information, and the first and second items of contact information made available to the plurality of sales representatives does not (a) result in a physical transformation outside the computer, nor is it (b) limited to a practical application within the technological arts. As to **claim 29**, the recited process of receiving customer contact information related to a customer contact from the sales representative, including information related to the quality of the customer contact, the quality of the contact being indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives including: an indication of whether the contact with the particular entity is for post-sale maintenance

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and an indication of whether the contact with the particular entity is for furthering future sales opportunities that lead to additional business; receiving customer contact information related to a customer contact from the sales representative related to the classification of the contact where information concerning the quality of the contact has also been received about the particular entity, the class of the contact being indicated by a set of specific guidelines including an indication of whether the contact with the particular entity is a reactive contact, a contact requiring a proactive sales effort or a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company; storing the customer contact information in a database; associating the employee with the customer contact information received; producing a report including at least some of the customer contact information associated with the sales representative; and reviewing the information of the quality of the customer contacts associated with the sales representative to determine performance of the sales representative does not (a) result in a physical transformation outside the computer, nor is it (b) limited to a practical application within the technological arts. As to **claim 30**, the system made up of a menu-driven interface portion communicating with a plurality of sales representatives and adapted to send and receive information from the plurality of sales representatives; and a database in communication with the menu-driven interface portion, the database comprising memory and information in the memory, including

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contact information related to a customer and billing information associated with the customer for review by the sales representatives, the system permitting one of the plurality of sales representatives to store information related to the customer and another of the plurality of sales representatives to retrieve information related to the customer, the information stored being associated with a particular module representing the quality and classification of customers, wherein the customers are classified by how contact with the customer has occurred, the classifications including at least reactive, proactive and target, where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company, wherein further the quality of the customer is indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives including at least: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication of whether the contact with the particular entity is for furthering future sales opportunities that lead to additional business does not (a) result in a physical transformation outside the computer, nor is it (b) limited to a practical application within the technological arts.

As to the statutory requirements of a claimed computer-related process, **claims 27 and 29** recite non functional descriptive material that does not exhibit any functional interrelationship with the way in which computing processes are performed. The non functional descriptive material is merely stored so as to be read or outputted by a

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computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, which as such does not impart functionality either to the data as so structured, or to the computer. The report of claim 29 is merely an outputted display of some data of what was stored. As to statutory requirement (a), the claimed invention does not result in a physical transformation outside the computer and is not covered by the safe harbors as described in the MPEP. Nothing is done outside the computer as a result of the contact information being made available or being produced in a report. As to statutory requirement (b), the basis of this rejection is set forth in a two-prong test of: (1) whether the invention is within the technological arts; and (2) whether the invention produces a useful, concrete, and tangible result. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 27 and 29 only recite an abstract idea. The recited steps of claims 27 and 29 do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for retaining and using contact information and for tracking the performance of a sales representative,

therefore, is deemed to be directed to non-statutory subject matter. As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above. Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use. Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces contact information. The process consists solely of compiling facts or data that are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, therefore is not useful, concrete or tangible. Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task.

As to **Claim 30**, the system stores information and allows sales representative to retrieve information. As indicated above, merely storing information so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer,

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does not impart functionality either to the data as so structured, or to the computer. A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing something that is concrete, tangible and useful. As indicated above, the system of claim 30 does not produce anything, therefore is not useful, concrete and tangible.

Therefore, in summary, claims 27, 29 and 30 do not meet the statutory requirements of a computer-related process since (a) there is no physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, and (b) there is no practical application within the technological arts since the claimed invention is not useful, concrete and tangible, and in the case of claims 27 and 29, they are also not within the technological arts.

Since the claimed invention, as a whole, does not meet the statutory requirements of a computer-related process, is not within the technological arts and does not produce a useful, concrete and tangible result as explained above, the same rejection as stated above for claim 27, 29 and 30 applies to **claims 2-6, 10-11, 23, 28-29 and 31-32.**

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]). Metzler teaches receiving, storing, associating and producing a report of customer contact information, but does not expressly teach the specific data recited in claims 29; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Metzler discloses a system and method for managing customer contacts and related information comprising:

- **[Claim 29]** receiving customer contact information related to a customer contact from the sales representative, including information related to the quality of the customer contact, the quality of the contact being indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives including: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication of whether the contact with the particular entity is for furthering future sales opportunities that

lead to additional business (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the “how to” of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining “suspects” and turning them into “prospects”, and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm’s needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is a considered a “quality contact” as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- receiving customer contact information related to a customer contact from the sales representative related to the classification of the contact where information concerning the quality of the contact has also been received about the particular entity, the class of the contact being indicated by a set of specific guidelines including an indication of whether the contact with the particular entity is a reactive contact, a contact requiring a proactive sales effort or a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the “how to” of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining “suspects” and turning them into “prospects”, and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm’s needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This

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field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is considered a "quality contact" as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- storing the customer contact information in a database (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database);
- associating the employee with the customer contact information received (Para 6, Metzler teaches the practitioner devises a personal contact list);
- producing a report including at least some of the customer contact information associated with the sales representative (Para 9, Metzler teaches most contact management software involves a user definable relational database with integrated activity management and a very flexible report generator.);

Metzler fails to teach reviewing the information of the quality of the customer contacts associated with the sales representative to determine performance of the sales representative. Zarowitz et al. teach contact management software empowers your staff to maximizing marketing opportunities and successes. The contact management software allows reports to be set up to track the progress of a project or employee's performance. The manager determines what data measures work efforts and successes. In a contact record client placements can be entered. The reporting function helps track placements, modify marketing strategies, and demonstrate accountability (Para 3 and 13). The examiner interprets client placement to be the quality of the customer contact and that an employee is a sales representative. It would have been obvious to one of ordinary skill in the art at the time of the applicant's

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invention to include the determination of a sales representative performance of Zarowitz et al. with the teachings of Metzler because Metzler teaches it is old and well know in the contact management art to use contact management software as a firm-wide tool, with partners and other professionals accountable to a marketing director (Para 7). Employee responsibilities determine the boundaries for the employee's evaluations. Contact management software gives the marketing managers tools to measure work efforts and successes, therefore, allowing them to evaluate the sales representatives as related to their sales responsibilities.

9. **Claims 27, 2-6, 9-11, 23, 28, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) and Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]) in view of Kraft (Kraft, K., There's a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort, Newspaper Financial Executives Quarterly, Reston, Vol. 3 Issue 4, Third Quarter 1997, pages 28-29 [PROQUEST]). Metzler and Zarowitz et al. teach receiving, storing, associating and producing a report of customer contact information, but does not expressly teach the specific data recited in claims 27 and 30; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps

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would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. Metzler and Zarowitz et al. disclose a system and method for managing customer contacts and related information comprising:

- **[Claim 27]** receiving a first item of contact information from one of a plurality of sales representatives (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches contact management software where the software system can retrieve data from a user's Web site where someone visiting the Web site has entered their name, address, and so on, and create a contact record. The data is invaluable to the sales department. The examiner interprets sales department to include sales representatives.);
- storing the first item of contact information in a database and associating the contact information with a particular entity (Metzler: Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database.);
- receiving and storing information in the database regarding the quality of one or more contacts with the particular entity, the quality of one or more contacts being indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives, the set of guidelines including at least: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication for a contact that furthered future sales opportunities that could lead to additional business (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact,

referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the rating of the prospects is interpreted to indicate a value of the contact to the sales representatives. As indicated above, the specific guidelines as to the quality contact is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.);

- receiving and storing information in the database regarding the classification of the same one or more contacts wherein information regarding quality was also received about the particular entity, the class of one or more contacts being indicated from a set of specific customer classes including at least: a reactive contact, a contact requiring a proactive sales effort and a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the type of contact is interpreted to indicate a classification of the contact. As indicated above, the specific guidelines as to the classification of the contact

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is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.);

- receiving a second item of contact information from one of a plurality of sales representatives (Zarowitz et al.: Para 5, Zarowitz et al. teaches when follow-up calls, meetings, or other actions are scheduled and completed, one click automatically enters the information into the system's record); and
- the second item of contact information received after the first item of contact information (Zarowitz et al.: Para 5, Zarowitz et al. teaches historical activities about contacts can be retrieved. The examiner interprets historical activities relate to chronological or time sequenced activities which can be received.), and
- the first and second items of contact information made available to the plurality of sales representatives (Zarowitz et al.: Para 7, Zarowitz et al. teaches contact management packages for workgroups that allow teams and people to share information).

Metzler and Zarowitz et al. fail to teach receiving billing information associated with the particular entity in the database for review by sales representatives. Kraft teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment (Page 28, Col. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's

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invention to include the capability to review the billing system in relation to the contact management system of Kraft with the teachings of Metzler and Zarowitz et al. because the teaching of Metzler teaches that it was old and well known in the contact management art to manage the marketing process through the sales process to closing opportunities (Para 3). Marketing cost is an important factor in determining the profitability of the sales effort. Implementing the integrated link between the contact management software and the billing system would help reduce system redundancies, therefore, cost, and improved cash flow by reducing outstanding accounts receivables.

- **[Claim 2]** the first item of contact information is received through a website (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can collect information from the Internet).
- **[Claim 3]** the first item of contact information is received from a first sales representative and the second item of contact information is received from a second sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- **[Claim 4]** the first and second items of contact information are sent to a third sales representative (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- **[Claim 5]** the entity is a business (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-related information).
- **[Claim 6]** the first item of contact information is associated with a sales representative (Zarowitz et al.: Para 3 and 16, Zarowitz et al. teaches a contact management system that can empower your staff to maximize marketing opportunities and successes. Data gathering could be invaluable to the sales department.).
- **[Claim 9]** reports are generated, including a follow up list (Zarowitz et al.: Para 2 and 13, Zarowitz et al. teaches the contact management software

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allows you to set up reports to track the progress of a project and allows you to enter information to include when you scheduled follow-ups).

- **[Claim 10]** the follow up list is sorted chronologically (Zarowitz et al.: Para 6 and 11, Zarowitz et al. teaches the process can automatically populate the contact records to schedule a follow-up call. Advanced calendar and scheduling components are like a personal secretary in that they will remind the user to make those calls, meetings or deadlines. The examiner interprets scheduling to imply chronological order.).
- **[Claim 11]** sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).
- **[Claim 23]** sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).
- **[Claim 28]** the first item of contact information is characterized as having a first quality that provides at least an indication that the contact with the particular entity is for post-sale maintenance and the second item of contact information is characterized as having a second quality related to the particular entity different from the first quality where the second quality provides at least an indication that the contact with the particular entity is for offering future sales opportunities (Metzler: Para 11-14, Metzler teaches a practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. The Examiner interprets the designation of the type of contact to be an existing client inherently relate to post-sales maintenance, and the rating of the prospects is the second quality where the rating is interpreted to indicate future sales opportunities.).
- **[Claim 30]** a menu-driven interface portion communicating with a plurality of sales representatives and adapted to send and receive information from the plurality of sales representatives (Zarowitz et al.: Para 5 and 7-8, Zarowitz et

- al. teach when you complete initial, follow-up calls, meetings, or other actions, one click automatically enters the information into the system's records. Contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying. Inherently, one click implies a menu-driven interface.); and
- a database in communication with the menu-driven interface portion, the database comprising memory and information in the memory, including contact information related to a customer and billing information associated with the customer for review by the sales representatives (Metzler: Para 5, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Kraft: Page 28, Col. 1 and 2, Kraft teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment.);
 - the system permitting one of the plurality of sales representatives to store information related to the customer and another of the plurality of sales representatives to retrieve information related to the customer (Zarowitz et al.: Para 7-8, Zarowitz et al. teach contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying.);
 - the information stored being associated with a particular module representing the quality and classification of customers, wherein the customers are classified by how contact with the customer has occurred, the classifications including at least reactive, proactive and target, where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company, wherein further the quality of the

customer is indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives including at least: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication of whether the contact with the particular entity is for furthering future sales opportunities that lead to additional business (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can automatically retrieve data from your Web site. Every time someone visits your site and enter their name, address, and so on, the software system can retrieve the information and automatically create a contact record. This data gather could be invaluable to the marketing customers relations or sales department of an organization. For example, your contact management system can collect information from the Internet and group data according to various characteristics. Metzler: Para 5 and 11, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the type of contact is interpreted to indicate a classification of the contact and where the rating of the prospects is interpreted to indicate a value of the contact to the sales representatives. As indicated above, the specific guidelines as to the classification of the contact is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.).

10. **Claims 31 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Melchione et al. (U.S. Patent

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5,930,764). As to claim 31, Metzler discloses a system and method for managing customer contacts and related information comprising storing information into a database (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database) but fails to teach the information reflects that a particular entity desires not to be contacted in the future. Melchione et al. teach a sales and marketing support system using a central customer information system (CCIS) database with the feature of a promotional suppression facility that provides information on customers and non-customers who do not wish to be contacted by telephone and/or mail (title, col. 9, lines 13-29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the promotional suppression capability of Melchione et al. with the teachings of Metzler because Metzler teaches that it is old and well known in the contact management art that clients interests and important notes on the client are maintained (Para 14). Companies that are explicit in communicating how their business operates expect outside sales representatives to conform to their requirements in order to make business transactions easier to execute. As such, sales representative that respect the businesses desires will receive the bulk of the sales since they understand and conform to the requirements, therefore, doing business with a customer the way the customer wants business to be conducted shows a level of respect to the customer that leads to mutual benefit.

Claim 32 substantially recites the same limitations as that of claim 31 with the distinction of the recited method being a system. Hence the same rejection for claim 31 as applied above applies to claim 32.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730. The Examiner can normally be reached Monday thru Friday between the hours of 8:30am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:


(703) 872-9306

[Official communications; including After Final communications labeled "**Box AF**"]

(571) 273-6730

[Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

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13 June 2005


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